

NOV 12 2002 6:04PM

858.472.6773 FOLEY AND LARDNER

NO. 4511 P. 1

#10  
dia  
11/15/02**FOLEY LARDNER**

ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200

SAN DIEGO, CA 92130

P.O. BOX 80278

SAN DIEGO, CALIFORNIA 92138-0278

TELEPHONE: 858.472.6700

FACSIMILE: 858.472.6773

WWW.FOLEYLARDNER.COM

FAX RECEIVED

NOV 14 2002

GROUP 4600

**FACSIMILE TRANSMISSION**

Total # of Pages 6 (including this page)

TO:	PHONE #:	FAX #:
U.S. Patent and Trademark Office Examiner: Unknown Group Art Unit: 1653		(703) 872-9306

From : Stacy L. Taylor

Email Address : - staylor@foleylaw.com

Sender's Direct Dial : - 858.847.6720

Date : November 12, 2002

Client/Matter No : 041673-2045

User ID No : 3054

OFFICIAL

**MESSAGE:**

Applicant: Mark H. Tuszynski  
 Title: MUTANT PRO-NEUROTROPHIN WITH IMPROVED ACTIVITY  
 Application No.: 09/788,188  
 Filing Date: February 16, 2001  
 Examiner: Unknown  
 Art Unit: 1653

Documents enclosed:

Transmittal to Response to Restriction Requirement (2 copies) (4 pages);  
 Response to Restriction Requirement (1 page).

If there are any problems with this transmission or if you have not  
 received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	11/15/2002 11:00:00 AM	00000003 500872	09788188
		Return Original To:		
		Michelle L. Simpson		

01 50:1251F 110.00 CH

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Received from &lt;&gt; at 11/12/02 9:03:32 PM (Eastern Standard Time)

Cover Page 1 of 1

FOLEY &amp; LARDNER

BEST AVAILABLE COPY

Atty. Dkt. No. 041673-2045

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Tuszyński

Title: MUTANT-PRO-NEUROTROPHIN  
WITH IMPROVED ACTIVITY

Appl. No.: 09/788,188

Filing Date: 02/16/2001

Examiner: Unknown

Art Unit: 1653

FAX RECEIVED

NOV 14 2002

GROUP 1600

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Washington, D.C. on the date below.  Michelle Simpson (Printed Name)  <i>Michelle Simpson</i> (Signature)  November 12, 2002 (Date of Deposit)
---

TRANSMITTAL TO RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents  
Box NON-FEE AMENDMENT  
Washington, D.C. 20231

Sir:

Transmitted herewith is an Response to Restriction Requirement in the above-identified application.

☒ [ X ] Response to Restriction Requirement (1 page).

☒ [ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

BEST AVAILABLE COPY

Atty. Dkt. No. 041673-2045

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

11-12-02

By

Stacy L Taylor

FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842

BEST AVAILABLE COPY

Atty. Dkt. No. 041673-2045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark Tuszynski  
Title: MUTANT PRO-NEUROTROPHIN-  
WITH IMPROVED ACTIVITY  
Appl. No.: 09/788,188  
Filing Date: 02/16/2001  
Examiner: Unknown  
Art Unit: 1653

CERTIFICATE OF FACSIMILE TRANSMISSION  
I hereby certify that this paper is being facsimile  
transmitted to the United States Patent and Trademark  
Office, Washington, D.C. on the date below.  
Michelle Symphon  
(Printed Name)  
Michelle Symphon  
(Signature)  
November 12, 2002  
(Date of Deposit)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Box NON-FEE AMENDMENT  
Washington, D.C. 20231

Sir:

In the restriction requirement set forth in the Office Action mailed September 10, 2002, the Examiner has required restriction between Claims 1-10 (Group I), drawn to a polypeptide, and the remaining claims, drawn to polynucleotides and methods for producing the neurotrophins of the invention. Applicant hereby provisionally elects Group I, Claims 1-10, for examination, without traverse.

Examination of Claims 1-10, and favorable consideration thereof, is requested.

Respectfully submitted,

Date 11-12-02

By Stacy L. Taylor

FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842

BEST AVAILABLE COPY